

October 14, 2015

**Mashpee Environmental Oversight Committee
Meeting Agenda
October 14, 2015 at 6:30 p.m.
Mashpee Town Hall, Popponeset Meeting Room**

CALL TO ORDER

APPROVAL OF MEETING MINUTES: April 21, 2015 (Rick, Drew & Michael) and September 15, 2015

COMMUNICATIONS

NEW BUSINESS

Pick a date for November meeting (November 11th, our scheduled date, is a national holiday; Town Hall closed)

Town Meeting Articles on Implementation of CWMP; support and advocacy

- **Warrant Articles 2, 3 (amended), 4, 5, 6, 7, 8, 9, 11, 12 and 20**

ACTION ITEMS UPDATE

Pond & Estuary Water Quality Monitoring: Update

Mashpee Comprehensive Wastewater & Nitrogen Management Plan (CWMP): Update on final approval and implementation

- **Estuary Restoration/Shellfish Propagation - Update**
- **Fertilizer Bylaw and MDAR State-wide Plant Nutrient Regulations: Discussion of implementation, enforcement, promotion & education of residents and professional companies, including notice to CCLA**

Quashnet River Restoration: Update

OLD BUSINESS

Town-Wide Stormwater Management Plan: Update

Land Steward Program: Update

CORRESPONDENCE

DISCUSSION

MEETING ADJOURNMENT; Next meeting scheduled for 6:30 PM on November 11, 2015 (a national holiday) must be rescheduled

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Present: Michael Talbot, Richard York, Andrew Gottlieb, Dale McKay, Joseph Cummings

Absent: Andrew McManus

Meeting Called to Order by Chairman Talbot at 6:32 p.m.
Mashpee Town Hall, Popponeset Meeting Room

MINUTES

Tuesday, April 21, 2015:

The above referenced minutes were deferred for a voting quorum.

Tuesday, September 15, 2015:

Recommendation to add wording: UMass Dartmouth on page two, Article 6 to read:
...would establish a contract with SMaST (UMass Dartmouth) to provide additional monitoring and in the amount of \$32,000.

**Motion made by Mr. York to approve the minutes of Tuesday, September 15, 2015
as amended.**

Motion seconded by Mr. McKay.

VOTE: 4-0-1.

Roll Call Vote:

**Mr. Talbot, yes Mr. York, yes Mr. Gottlieb, abstained Mr. McKay, yes Mr. Cummings,
yes Opposed, none**

NEW BUSINESS

Change of November Meeting Date:

The scheduled November meeting date falls on a national holiday; on that day the Town hall would be closed. There was discussion on possibly changing the November meeting day. Upon review, it was agreed the November EOC Meeting would be postponed.

**Motion made by Mr. York to cancel the November Meeting, and defer the next meeting of
the EOC to Wednesday, December 9, 2015 at 6:30 p.m.**

Motion seconded by Mr. McKay.

VOTE: 5-0.

Roll Call Vote:

**Mr. Talbot, yes Mr. York, yes Mr. Gottlieb, yes Mr. McKay, yes Mr. Cummings, yes Opposed,
none**

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NEW BUSINESS:

Town Meeting Articles on Implementation of CWMP; Support and Advocacy
Warrant Articles 2, 3 (amended), 4, 5, 6, 7, 8, 9, 11, 12 and 20:

Members of the EOC briefly reviewed the October 2015 Town Meeting Articles that would assist in the implementation of the Comprehensive Wastewater Management Plan (CWMP).

The articles are respectfully referenced as Articles 2 through 12 and Article 20.

It was noted that all articles are supported by the Board of Selectmen and Finance Committee.

With regards to Article 3, proposed to create the full-time position of Director of Natural Resources, and full-time position of Water Quality Control Monitoring Technician. It was disclosed the Director of Natural Resources position would be removed from the article at this time.

In consultation with Town Counsel, it is the recommendation of the Board of Selectmen to defer the creation of the Director of Natural Resources position until the Department of Natural Resources is thus formed. It is the intention of the Board of Selectmen to place an article proposed to create the full-time position of Director of Natural Resources on the May 2016 Town Meeting warrant in conjunction with an article intended to create the Department of Natural Resources. If supported, the Water Quality Control Monitoring Technician will be supervised by the Shellfish Constable at this time.

Mashpee Comprehensive Wastewater & Nitrogen Management Plan (CWMP): Update on Final Approval and Implementation:

With reference to Article 20 proposed to designate certain Town-owned lands for the purposes of developing waste water treatment facilities, and to authorize such actions as deemed necessary to implement this use, it was reported a letter has been received from the Cape Cod Commission certifying the Town's Comprehensive Nitrogen and Wastewater Management Plan as consistent with their Section 208 Water Quality Plan.

The Cape Cod Commission has scheduled a hearing on the Mashpee Comprehensive Nitrogen and Wastewater Management Plan on Tuesday, November 10, 2015. A decision is anticipated to be determined by December 3, 2015. With formal approval, the Town of Mashpee would gain access to low interest funding and other subsidiaries to support the initiatives of the CWMP.

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COMMUNICATIONS

Montgomery, MD Passes Healthy Lawn's Bill:

EOC member Michael Talbot distributed an email to the committee relative to a favorable vote passed by the Montgomery County Council in support of the Healthy Lawns Bill. Montgomery County, Maryland is the first county in the U.S. that has passed measures to restrict the use of pesticides in lawn care as a method to protect the health of Montgomery County residents. It is similar to regulations in Canada that have been imposed in some provinces to ban the use of pesticides for aesthetic purposes.

It was explained that state-wide changes to the regulations would be required for the enactment of this bill in the State of Massachusetts. It was noted that 78% of pesticide use on the Cape is applied on turf, and an additional 9% directed on golf course turf. This may be a favorable direction to reduce the impacts of the extensive use of pesticides on Cape Cod. It was noted that Eversource uses less than 1% of pesticides on its right-of-ways.

A brief discussion followed with regards to clear cutting on power lines and other invasive areas with the use of goats. This is becoming a common practice, and an adaptive management approach to the use of pesticides.

ACTION ITEMS UPDATE

Pond & Estuary Water Quality Monitoring: Update: No report.

Mashpee Comprehensive Wastewater & Nitrogen Management Plan (CWMP): Update on Final Approval and Implementation:

In accordance with the Clean Water Act, negotiations have begun with the Towns of Barnstable and Sandwich with regards to coordination in achieving TMDL compliance with respect to the joint management of the shared watersheds in a five-year review.

In the fair share agreement, a watershed permit is issued to a single community or to an assemblage of communities. With the assembling of three communities, all three TMDL's and their 208 apportionments are considered. The TMDL is thus multiplied by the pounds of nitrogen, and allocated to communities on a percentage base in the five-year exam to determine if the communities have achieved compliance with respect to their daily load requirements.

This method would grant a period of time for a community to implement measures, and allow for towns to receive credit by achieving a TMDL implementation. This initiative also creates an administrative permitting mechanism to be formally credited toward compliance. It was noted this process is conducted solely under state authority.

Mr. York indicated that he is using attenuated load figures in his current projections.
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Mashpee Comprehensive Wastewater & Nitrogen Management Plan (CWMP): Update on Final Approval and Implementation: (continued)

Although many of the Cape towns are in different planning phases in term of watershed compliance, this process will reveal their target, and allow up to five years in time for serious implementation. If a town does not achieve what is imposed in their permit, legal action can be warranted.

In Mashpee, Popponesset Bay will be the initial focus. Under the new regulations of the Clean Water Act, this is the first issued watershed permit. The Town of Mashpee is expected to present a united position with the Towns of Barnstable and Sandwich in this approach.

Thereafter, Waquoit Bay will follow with joint management from the Towns of Falmouth and Sandwich.

Estuary Restoration/Shellfish Propagation – Update:

It was reported the oyster and quahog seeds funded through Barnstable County and the Community Preservation Act are doing quite well. With the passing of Article 5 additional quahog and oyster seed along with cultch will continue the initial phase of the implementation of the shellfish component of the Comprehensive Wastewater and Nitrogen Management Plan.

AmeriCorps volunteers along with seasonal staffing have supported the propagation program. It was noted there is additional funding from the first phase of the project to continue with staff support.

Over 1,100 oyster permits have been issued this year, an approximate increase of 300 permits over last season. The oyster harvest begins on November 1st.

In moving forward, the scallop seeding program has also increased. Scallop season began on October 1st. To date, the harvest has been productive.

Fertilizer Bylaw and MDAR State-wide Plant Nutrient Regulations: Discussion of implementation, enforcement, promotion & education of residents and professional companies, including notice to CCLA:

To further promote and educate professional landscape, a notice of the Mashpee Nitrogen Control Bylaw (enclosed) was presented to the EOC members for distribution to the Cape Cod Landscape Association (CCLA) and its members.

Motion made by Mr. Gottlieb to distribute the Town of Mashpee Nitrogen Control Bylaw to the Cape Cod Landscape Association as referenced.

Motion seconded by Mr. York.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Mr. Talbot, yes Mr. York, yes Mr. Gottlieb, yes Mr. McKay, yes Mr. Cummings, yes Opposed, none

Notice for Distribution to Cape Cod Landscape Association members; please pass this on to your staff and colleagues; from the Town of Mashpee Environmental Oversight Committee (please distribute this notice to professional landscapers by email or other means):

The Mashpee Nitrogen Control Bylaw regulates the application of nitrogen fertilizer on all private and commercial lawns in Mashpee. This notice is a reminder to professional lawn care operators of the following regulations enforced by the Board of Health and the Conservation Commission:

- Fall fertilizer applications must be completed on or before October 30th and no fertilizer may be applied after that date and before April 14th unless the dates are officially adjusted to allow for unusual weather conditions. You will be notified of any temporary changes by the CCLA.
- Any fertilizer which falls on an impervious surface (roads, driveways, parking lots, etc.) must be removed immediately.
- Fertilizer is not to be applied on saturated ground or less than 24 hours before a heavy rainfall. It should be watered in with no more than ¼" of water, or by natural rain within 24 hours.
- Fertilizer is prohibited near certain waterway and wetland resources defined by the Mashpee Wetlands Protection Bylaw. Basically, this regulation prohibits fertilizing lawns within 100 feet of wetlands and waterways—with a few exceptions. Details are in the Nitrogen Control Bylaw, which can be found at http://mashpeema.virtualltownhall.net/pages/MashpeeMA_Webdocs/NitrogenBylaw.pdf.
- The Town of Mashpee recommends that no more than 2 pounds of total nitrogen be applied per 1,000 square feet of turf during an entire calendar year. The excessive application of nitrogen on turf is a leading cause of nitrogen loading of our estuaries.

These regulations help protect our precious surface water resources and are an integral part of our recently approved "Comprehensive Wastewater and Nitrogen Management Plan". We appreciate your cooperation with these regulations.

Quashnet River Restoration: Update:

With the absence of Mr. McManus, there was no report. However, it was noted Mr. McManus would soon be presenting a detailed update on the Quashnet River restoration project to the Conservation Commission.

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CORRESPONDENCE

Quashnet River/Moonakis River:

As water quality continues to diminish in the Quashnet River/Moonakis River a shared watershed with the Town of Falmouth, there is an indication the Town of Falmouth is not willing to contribute funding for a UMass Dartmouth study. There is indication that funding ½ or \$20,000 could be secured with the condition the Towns of Mashpee and Falmouth each contributes ¼ or \$10,000 by June 1, 2016.

This matter was taken under advisement to re-visit with the Town of Falmouth, and review potential funding scenarios, and outside contributions.

OLD BUSINESS

Town-Wide Stormwater Management Plan: Update:

No report.

Land Steward Program: Update:

It was noted the Mashpee Environmental Coalition culminated the season by conducting their final walk through the Santuit Pond Preserve.

A new Assistant Conservation Agent, Katelyn Cadoret, has been hired from a strong pool of applicants. One of her principal roles is to assist with management of conservation lands and the Land Stewards Program.

Oyster Reef Proposal:

Mashpee Wampanoag Tribe Natural Resources Officer Chuck Green received a \$200,000 grant to grow oysters in collaboration with the Town of Mashpee. The target for the oyster reef is Simmons Narrows/Shoestring Bay, the most optimum site to grow shellfish. Funding if approved by the October Town Meeting will support the shellfish propagation project.

The oyster reef project is proposed to remain closed for a period of three years with no harvesting to facilitate seeding, and growth for increased shellfish production. Further details on the implementation of reefs are being reviewed for optimum results, and to achieve nitrogen reduction.

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Oyster Symposium:

The 6th International Oyster Symposium is scheduled to be held on October 21 through 23, 2015 at the Marine Biological Laboratory (MBL) in Woods Hole and at the SeaCrest Beach hotel in Falmouth.

This is the first time the symposium has been held in the United States. Experts from around the globe representing 18 countries are expected to attend a host of discussion to advance aquaculture and regeneration.

EOC Member Richard York, Mashpee's Shellfish Constable along with Chuckie Green of the Mashpee Wampanoag Tribe will be in attendance to review oyster aquaculture and the restoration of Popponesset Bay.

Discussion followed with respect to nitrogen removal associated with oyster reefs. Grant funding has allowed for the creation of an oyster reef in Popponesset Bay to restore water quality, remove nitrogen and restore shellfish populations. To date, the remediation program has been successful.

ADJOURNMENT:

Motion made by Mr. York to adjourn at 7:30 p.m.

Motion seconded by Mr. McKay.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Mr. Talbot, yes Mr. York, yes
none

Mr. Gottlieb, yes

Mr. McKay, yes Mr. Cummings, yes

Opposed,

Respectfully submitted,

Kathleen M. Soares
EOC Committee Secretary